

HOUSE BILL 449

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; REVISING ELIGIBILITY FOR
ASSISTANCE TO DISPLACED WORKERS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 62-18-16 NMSA 1978 (being Laws 2019,
Chapter 65, Section 16) is amended to read:

"62-18-16. ENERGY TRANSITION INDIAN AFFAIRS FUND--ENERGY
TRANSITION ECONOMIC DEVELOPMENT ASSISTANCE FUND--ENERGY
TRANSITION DISPLACED WORKER ASSISTANCE FUND--COMMUNITY ADVISORY
COMMITTEE.--

A. The "energy transition Indian affairs fund" is
created in the state treasury. The fund shall consist of
appropriations, gifts, grants, donations and bequests made to
the fund. Income from the fund shall be credited to the fund,
and money in the fund shall not revert or be transferred to any

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1 other fund at the end of a fiscal year.

2 B. The Indian affairs department shall administer
3 the energy transition Indian affairs fund, and money in the
4 fund is subject to appropriation by the legislature only to
5 that department to assist in addressing the conditions and
6 issues of tribes and native peoples in the affected community.

7 C. The Indian affairs department shall develop an
8 Indian affairs assistance plan to assist tribal and native
9 people in the affected community that shall provide for the
10 disbursement of money in the energy transition Indian affairs
11 fund. In developing the plan, the Indian affairs department
12 shall establish a public planning process in the affected
13 community to inform the use of money in the fund. The Indian
14 affairs department shall engage in consultation with Indian
15 nations, tribes and pueblos in the affected community pursuant
16 to the State-Tribal Collaboration Act. The public planning
17 process shall include at least three public meetings in the
18 affected community. Expenditures from the fund shall be made
19 after completion of the plan and as follows:

20 (1) to an entity approved by the Indian
21 affairs department to receive funds for any program established
22 at the Indian affairs department; and

23 (2) to tribal governments, public agencies or
24 private persons to provide services and facilities in the
25 affected community for promoting the welfare of Indian people.

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1 D. The "energy transition economic development
2 assistance fund" is created in the state treasury. The fund
3 shall consist of appropriations, gifts, grants, donations and
4 bequests made to the fund. Income from the fund shall be
5 credited to the fund, and money in the fund shall not revert or
6 be transferred to any other fund at the end of a fiscal year.

7 E. The economic development department shall
8 administer the energy transition economic development
9 assistance fund, and money in the fund is subject to
10 appropriation by the legislature only to that department to
11 assist in diversifying and promoting the affected community's
12 economy by fostering economic development opportunities
13 unrelated to fossil fuel development or use.

14 F. The economic development department shall
15 develop an economic diversification and development plan to
16 assist the affected community that shall provide for the
17 disbursement of money in the energy transition economic
18 development assistance fund. In developing the plan, the
19 economic development department shall request recommendations
20 from the affected community's community advisory committee
21 pursuant to Subsection K of this section and establish a public
22 input process in the affected community to inform the use of
23 money in the fund. The economic development department shall
24 engage in consultation with Indian nations, tribes and pueblos
25 in the affected area pursuant to the State-Tribal Collaboration

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1 Act. The public input process shall include at least three
2 public meetings in the affected community. Expenditures from
3 the fund shall be made pursuant to the plan and as follows:

4 (1) to an entity approved by the economic
5 development department to receive funds for any program
6 established at the economic development department;

7 (2) to assist employers to qualify for any tax
8 relief for hiring displaced workers established under state or
9 federal law; and

10 (3) to a municipality, county, Indian nation,
11 pueblo or tribe or land grant community in New Mexico for
12 programs designed to promote economic development in the
13 affected community.

14 G. The "energy transition displaced worker
15 assistance fund" is created in the state treasury. The fund
16 shall consist of appropriations, gifts, grants, donations and
17 bequests made to the fund. Income from the fund shall be
18 credited to the fund, and money in the fund shall not revert or
19 be transferred to any other fund at the end of a fiscal year.

20 H. The workforce solutions department shall
21 administer the energy transition displaced worker assistance
22 fund, and money in the fund is subject to appropriation by the
23 legislature only to that department to assist displaced workers
24 in an affected community.

25 I. The workforce solutions department shall develop

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1 a displaced worker development plan to assist displaced workers
2 in an affected community that shall provide for the
3 disbursement of money in the energy transition displaced worker
4 assistance fund. In developing the plan, the workforce
5 solutions department shall request recommendations from the
6 affected community's community advisory committee pursuant to
7 Subsection K of this section and establish a public input
8 process in the affected community to inform the use of money in
9 the energy transition displaced worker assistance fund. The
10 workforce solutions department shall engage in consultation
11 with Indian nations, tribes and pueblos in the affected area
12 pursuant to the State-Tribal Collaboration Act. The public
13 input process shall include at least three public meetings in
14 the affected community. Expenditures from the energy
15 transition displaced worker assistance fund shall be made
16 pursuant to the plan and as follows:

17 (1) to assist employers of displaced workers
18 to qualify for any tax relief established under state or
19 federal law;

20 (2) to the workforce solutions department:

21 (a) to provide assistance to displaced
22 workers using any program established at that department; and

23 (b) for payment of costs associated with
24 displaced workers enrolling and participating in certified
25 apprenticeship programs in New Mexico; and

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1 (3) to a municipality, county, Indian nation,
2 pueblo or tribe or land grant community in New Mexico for job
3 training and apprenticeship programs for displaced workers or
4 for programs designed to promote economic development in the
5 affected community.

6 J. Within thirty days of receipt of energy
7 transition bond proceeds, a qualifying generating facility
8 located in New Mexico shall transfer the following percentages
9 of the financed amount of energy transition bonds as follows:

10 (1) one-half percent to the Indian affairs
11 department for deposit in the energy transition Indian affairs
12 fund;

13 (2) one and sixty-five hundredths percent to
14 the economic development department for deposit in the energy
15 transition economic development assistance fund; and

16 (3) three and thirty-five hundredths percent
17 to the workforce solutions department for deposit in the energy
18 transition displaced worker assistance fund.

19 K. In each affected community, a community advisory
20 committee shall be convened. All meetings of the community
21 advisory committee shall be held pursuant to the Open Meetings
22 Act. The secretaries of Indian affairs, economic development
23 and workforce solutions shall appoint three conveners who
24 reside in the affected community, at least one from each major
25 political party and one representing one of the Navajo Nation

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1 chapter houses in the affected community. The conveners shall
2 appoint members of the community advisory committee to include
3 a member from each municipality, county, Indian nation, pueblo,
4 tribe and land grant community, if any, in the affected
5 community, at least four appointees representing diverse
6 economic and cultural perspectives of the affected community
7 and one appointee representing displaced workers in the
8 affected community. Within sixty days of a request by the
9 economic development department pursuant to Subsection F of
10 this section, or the workforce solutions department pursuant to
11 Subsection I of this section, a community advisory committee
12 shall provide recommendations to the requesting department on
13 the use of available funds intended for the affected community.

14 L. As used in this section:

15 (1) "affected community" means a New Mexico
16 county located within one hundred miles of a New Mexico
17 facility producing electricity that closes, resulting in at
18 least forty displaced workers; and

19 (2) "displaced worker" means a New Mexico
20 resident who:

21 [~~(a) within the previous twelve months,~~
22 ~~was terminated from employment, or whose contract was~~
23 ~~terminated, due to the abandonment of a New Mexico facility~~
24 ~~producing electricity that resulted in displacing at least~~
25 ~~forty workers;~~

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1 ~~(b) had at least seventy-five percent of~~
2 ~~the resident's net income, as that term is defined in the~~
3 ~~Income Tax Act, from the employment or contract described in~~
4 ~~Subparagraph (a) of this paragraph;~~

5 ~~(c) has not been able to replace the~~
6 ~~lost wages described in Subparagraph (b) of this paragraph or~~
7 ~~whose annual wages are at least twenty-five percent less than~~
8 ~~when the qualifying facility was operating; and~~

9 ~~(d) does not qualify to take full~~
10 ~~benefits pursuant to a pension or retirement plan]~~

11 (a) was terminated from employment, or
12 whose contract was terminated, due to the abandonment of a New
13 Mexico facility producing electricity that resulted in the
14 displacement of at least forty workers; and

15 (b) meets any other eligibility criteria
16 established by the workforce solutions department."

17 SECTION 2. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.